

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

**Pinnacle Financial Partners as
Conservator and Guardian ad Litem for
Jane Doe, a minor child, and Mother and
Father Doe,**

Plaintiffs,

VS.

Anita Richardson and Pickens County
School District,

Defendants.

C.A. No. 8:18-cv-02584-DCC

**DEFENDANTS' ANSWERS TO RULE 26.03
INTERROGATORIES**

Defendants, Pickens County School District and Anita Richardson, by and through the undersigned counsel, hereby respond to the Court's Local Rule 26.03 Interrogatories as follows:

(1) A short statement of the facts of the case;

This case arises out of single incident on the school bus that occurred on October 18, 2016, when plaintiff Jane Doe, who was 7 years old at the time, was kissed on her lower back by another 7 year old male student. The incident lasted less than 20 seconds. An adult school bus monitor noticed the behavior and told the students to stop and separate. At the end of her shift, the bus driver reported the incident to her supervisor, who reported it to the assistant principal, Anita Richardson the following morning. Both students were interviewed by Defendant Richardson and Lance Corporal Brad Smith, a school resource officer employed with the City of Easley police department. Jane Doe admitted that she had discussed and arranged the encounter with the male student earlier in the day. Jane Doe had no further contact with the male student, who promptly transferred to another school in the School District.

Defendants vehemently dispute Plaintiff's characterization of the October 18, 2016 incident as a "sexual assault." Defendants had no prior notice of any similar behavior by the male student or reason to anticipate that the students would engage in the behavior alleged. Further, Defendants addressed the matter promptly and appropriately, with due regard to the age of the students and involvement of parents, after the conduct was observed.

(2) The names of fact witnesses likely to be called by the party and a brief summary of their expected testimony;

**Anita Richardson, Defendant, Assistant Principal
McKissick Academy of Science and Technology
156 McKissick Road
Easley, SC 29640
Phone: (864) 397-2200**

Expected to testify regarding her handling of incident following report, interviews of students, investigation, follow up, possibly other issues.

**Tiffany Gutierrez, Bus Driver
1348 Griffin Mill Road
Pickens, SC 29640
Phone: (864) 397-1000**

Expected to testify regarding incident on bus, handling of incident, possibly other issues.

**Lasharon Rogers, Bus Aide
1348 Griffin Mill Road
Pickens, SC 29640
Phone: (864) 397-1000**

Expected to testify regarding incident on bus, handling of incident, possibly other issues.

**Frances Meinders, Area Bus Supervisor
1348 Griffin Mill Road
Pickens, SC 29640
Phone: (864) 397-1000**

Expected to testify regarding the report and investigation of the incident, possibly other issues.

**Aaron Boyles, District Bus Supervisor
1348 Griffin Mill Road
Pickens, SC 29640
Phone: (864) 397-1000**

Expected to testify regarding report and investigation of the incident, possibly other issues.

**Brad Smith, School Resource Officer
Easley Police Department
220 NW Main Street
Easley, SC 29640
Phone: (864) 859-4025**

Expected to testify regarding his receipt of report, investigation, interview of students and parents, possibly other issues.

**Michelle Stinehart, Guidance Counselor
McKissick Academy of Science and Technology
156 McKissick Road
Easley, SC 29640
Phone: (864) 397-2200**

Expected to testify regarding interaction with Jane Doe following incident.

**Gary Mohr, Assistant Principal
West End Elementary School
314 Pelzer Highway
Easley, SC 29642
Phone: (864) 397-2500**

Expected to testify regarding Plaintiff's allegations and investigation, disciplinary history of students before the incident, possibly other issues.

(3) The names and subject matter of expert witnesses (if no witnesses have been identified, the subject matter and field of expertise should be given as to experts likely to be offered);

Defendants do not expect to identify an expert witness and will update this response if circumstances change.

(4) A summary of the claims or defenses with statutory and/or case citations supporting the same;

Title IX Standards:

***Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629 (1999)
(deliberate indifference standard applies to peer-to-peer alleged sexual harassment)**

***Doe v. Bd. of Educ. of Prince George's Cnty.*, 605 Fed. Appx. 159
(4th Cir. 2015) (applying *Davis* deliberate indifference standard to peer harassment)**

***Father Doe 246 v. Berkeley County School District*, 189 F.Supp.3d 573 (D.S.C. 2016)**

Qualified Immunity/42 U.S.C. § 1983:

***Harlow v. Fitzgerald*, 457 U.S. 800 (1982)**

***Mitchell v. Forsyth*, 472 U.S. 511 (1985)**

***Wilson v. Layne*, 526 U.S. 603 (1999)**

***Suarez Corp. Indus. v. McGraw*, 202 F.3d 676 (4th Cir. 2000)**

***Stevenson ex rel. Stevenson v. Martin Cnty. Bd. of Educ.*, 3 Fed. Appx. 25 (4th Cir. 2001)**

***Grayson v. Peed*, 195 F.3d 692 (4th Cir. 1999), *cert. denied*, 529 U.S. 1067 (2000)**

***Doe v. School Bd. of Broward Cnty.*, 604 F.3d 1248 (11th Cir. 2010)**

***Conn v. Gabbert*, 526 U.S. 286 (1999)**

***Doe v. Rosa*, 795 F.3d 429 (4th Cir. 2015)**

***DeShaney v. Winnebago Cty. Dep't of Social Servs.*, 489 U.S. 189 (1989)**

***Mother Doe 203 v. Berkeley County School District*, 2016 WL 6627900 (D.S.C. 2016)**

State Law Claims:

***Etheredge v. Richland School Dist. One*, 534 S.E.2d 275 (S.C. 2000)**

***Maman v. Horry County School Dist.*, 2011 WL 11736614 (Ct. App. 2011)**

(5) Absent special instructions from the assigned judge, the parties shall propose dates for the following deadlines listed in Local Civil Rule 16.02:

- (a) Exchange of Fed. R. Civ. P. 26(a)(2) expert disclosures; and
- (b) Completion of discovery.

Previously provided to the Court.

(6) The parties shall inform the Court whether there are any special circumstances which would affect the time frames applied in preparing the scheduling order. See generally Local Civil Rule 16.02(C) (Content of Scheduling Order).

Not applicable.

(7) The parties shall provide any additional information requested in the Pre-Scheduling Order (Local Civil Rule 16.01) or otherwise requested by the assigned judge.

Not applicable.

Respectfully submitted,

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December 3, 2018

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